

The mode of having creditors called in, and their claims adjusted before the auditor in a creditor's suit.

The originally suing creditor's claim having been decided upon, or so much of it as has been decided upon by the decree, cannot be afterwards drawn in question.

The statute of limitations, or any other just opposition, may be relied on or made against a claim brought in under the decree by any one of the original parties, or by a co-creditor.

After a reasonable time a final account may be ordered, rejecting all claims not then sufficiently authenticated.

By this bill, filed on the 3d of April, 1826, it is stated, that the plaintiff *Charles A. Williamson*, and the defendants *John B. Wilson* and *John N. Woodard*, had formed a partnership, as commission merchants and auctioneers in the city of Baltimore, on the 7th of April, 1824, for the term of three years from that date, by the name of *Wilson, Williamson & Co.*; that they gave bond, with *David Williamson* their surety, to the city as auctioneers; that the business of the partnership was carried on accordingly until the 4th of January, 1826, when the firm became insolvent and stopped payment; that the defendants have since held, and retained in their possession, exclusively, all the goods, effects, books, papers, and vouchers of the firm; and are collecting the debts due, and wasting and misapplying the property of the partnership, to the ruin of the plaintiff, and to the prejudice of the creditors of the firm. Upon which the plaintiff prayed for an injunction to restrain the defendants from collecting the debts; and that a receiver might be appointed to collect them and to take charge of, and preserve the goods, debts and effects of the firm for the benefit of all concerned. The bill was sworn to by the plaintiff in the usual form.

On the same day the bill was filed, it was submitted to the Chancellor, upon which it was ordered, that *David Williamson*, jun'r, be appointed receiver; and, that an injunction be granted as prayed. But leave was granted to the defendants to move for rescinding the order, and the dissolution of the injunction either before or after filing their answers on giving *five* days notice of such motion: and the register was directed to annex a copy of the order to the writ of injunction.

On the 12th of the same month the defendants, having filed their answers, gave notice to the plaintiff, that they should, on the 14th instant, move, as allowed by the order of the 3d instant. All the material admissions and allegations of the answer are sufficiently set forth by the Chancellor in his view of the case.